

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Monroe D. Kiar, Town Attorney (954) 584-9770  
Daniel Colabella, Utilities Director (954) 433-4000

**SUBJECT:** Resolution

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SUNRISE, FLORIDA AND THE TOWN OF DAVIE, FLORIDA FOR EXCHANGE IN SERVICE AT CERTAIN UTILITY SERVICE TERRITORY SEGMENTS.

**REPORT IN BRIEF:** The subject property known as the Margolis Property falls within both the City of Sunrise service area and the Town of Davie service area for water and waste water service. The bulk (approximately 60%) lies within the area of service by the Town of Davie. The remainder of the property is located in the City of Sunrise service area. In order to alleviate any hardship on the developer, the Town of Davie requested that the City of Sunrise give up its portion of the service area and permit the Town of Davie to serve the entire property for water and waste water. In exchange, the Town of Davie offered to relinquish its right to serve a portion of a property known as the Pine Island Commercial Property located on the northwest corner of Pine Island and Orange Drive. Mr. Wallace and Mr. Colabella have reviewed the site plan of the Margolis Property and have indicated that the exchange of the two properties by the Town of Davie and the City of Sunrise will result in a relatively equal exchange of service areas.

**PREVIOUS ACTIONS:** N/A

**CONCURRENCES:** N/A

**FISCAL IMPACT:** None

**RECOMMENDATIONS:** Motion to approve Resolution

**ATTACHMENTS:** Resolution and Agreement

## RESOLUTION

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SUNRISE, FLORIDA AND THE TOWN OF DAVIE, FLORIDA FOR EXCHANGE IN SERVICE AT CERTAIN UTILITY SERVICE TERRITORY SEGMENTS.

WHEREAS, an undeveloped parcel of land identified as the Speilman-Margolis Replat (the “Margolis Parcel”), lies geographically half within the utility service territory of Davie and half within the utility service territory of Sunrise; and

WHEREAS, both Davie and Sunrise have the present ability to provide utility service to the Margolis Parcel, but believe it is in the best interest that the Margolis Parcel be served by only one utility; and

WHEREAS, an undeveloped parcel of land identified as the Pine Island Commercial Plat on Exhibit “A” to the attached Agreement (the “Pine Island Parcel”), lies geographically within the utility service territory of Davie, but abuts the utility service territory of Sunrise; and

WHEREAS, both Davie and Sunrise have the present ability to provide utility service to the Pine Island Parcel, but believe it is in the public interest that the Pine Island Parcel be served by only one utility; and

WHEREAS, both that portion of the Margolis Parcel lying within the utility service territory of Sunrise and the Pine Island Parcel lying within the utility service territory of Davie have approximately the same utility service demand potential; and

WHEREAS, Davie and Sunrise believe it to be in the public interest to revise their respective utility service territories so that the portion of the Margolis Parcel lying within the utility service territory of Sunrise is transferred to the utility service territory of Davie and served by Davie, and in exchange, the Pine Island Parcel lying within the utility service territory of Davie is transferred to the utility service territory of Sunrise and served by Sunrise.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council hereby authorizes the Mayor to enter into an Agreement between the Town of Davie and the City of Sunrise, Florida, a copy of which is attached hereto as Exhibit "A", for exchange in service of certain utility service territory segments.

SECTION 2. That the Mayor is hereby authorized to execute the original Agreement on behalf of the Town of Davie acknowledging and accepting the terms and conditions as set forth therein.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

**AGREEMENT BETWEEN CITY OF SUNRISE, FLORIDA  
AND TOWN OF DAVIE, FLORIDA, FOR EXCHANGE AND SERVICE  
OF CERTAIN UTILITY SERVICE TERRITORY SEGMENTS**

THIS AGREEMENT is entered into between the CITY OF SUNRISE, FLORIDA ("Sunrise"), a Florida municipal corporation, and the TOWN OF DAVIE, FLORIDA ("Davie"), a Florida municipal corporation.

**W I T N E S S E T H :**

WHEREAS, Davie and Sunrise agreed to their respective utility service territories pursuant to that certain Stipulated Final Judgment entered in Case No. 98-018324 (14) in the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida (the "Final Judgment"); and

WHEREAS, an undeveloped parcel of land identified as the Spielman-Margolis Replat on Exhibit "A" to this Agreement (the "Margolis Parcel"), lies geographically half within the utility service territory of Davie and half within the utility service territory of Sunrise; and

WHEREAS, both Davie and Sunrise have the present ability to provide utility service to the Margolis Parcel, but believe it is in the public interest that the Margolis Parcel be served by only one utility; and

WHEREAS, an undeveloped parcel of land identified as the Pine Island Commercial Plat on Exhibit "A" to this Agreement (the "Pine Island Parcel"), lies geographically within the utility service territory of Davie but abuts the utility service territory of Sunrise; and

WHEREAS, both Davie and Sunrise have the present ability to provide utility service to the Pine Island Parcel, but believe it is in the public interest that the Pine Island Parcel be served by only one utility; and

WHEREAS, both that portion of the Margolis Parcel lying within the utility service territory of Sunrise and the Pine Island Parcel lying within the utility service territory of Davie have approximately the same utility service demand potential; and

WHEREAS, Davie and Sunrise believe it to be in the public interest to revise their respective utility service territories set forth in the Final Judgment so that the portion of the Margolis Parcel lying within the utility service territory of Sunrise is transferred to the utility service territory of Davie and served by Davie, and in exchange, the Pine Island Parcel lying within the utility service territory of Davie is transferred to the utility service territory of Sunrise and served by Sunrise.

NOW, THEREFORE, in consideration of the premises and covenants herein contained, Sunrise and Davie agree as follows:

1. The foregoing statements are true and correct.
2. Exchange and Service of Utility Service Territory Segments: Sunrise transfers to Davie's utility service territory that portion of the Margolis Parcel lying within the utility service territory of Sunrise, which portion of the Margolis Parcel shall be served by Davie. Davie transfers to Sunrise's utility service territory all of the Pine Island Parcel, which Pine Island Parcel shall be served by Sunrise.
3. Laws of Florida: This Agreement shall be governed by the laws of the State of Florida, and it shall become effective immediately upon execution by both parties.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature:

**CITY OF SUNRISE, FLORIDA**

By: \_\_\_\_\_  
its Mayor

Date: \_\_\_\_\_

**AUTHENTICATION:**

By: \_\_\_\_\_  
City Clerk

Approved as to form and legality by the  
Office of City Attorney for Sunrise, Florida  
JEFFREY D. OLSON, City Attorney  
City of Sunrise  
10770 W. Oakland Park Boulevard  
Sunrise, Florida 33351  
Telephone: (954) 746-3300

\_\_\_\_\_  
JEFFREY D. OLSON

Date: \_\_\_\_\_

**TOWN OF DAVIE, FLORIDA**

By: \_\_\_\_\_  
its Mayor

Date: \_\_\_\_\_

**AUTHENTICATION:**

By: \_\_\_\_\_  
Town Clerk

Approved as to form and legality by the  
Office of Town Attorney for Davie, Florida  
MONROE KIAR, Town Attorney  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314  
Telephone: (954) 584-9770

\_\_\_\_\_  
MONROE KIAR

Date: \_\_\_\_\_